IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18227 of 2004

Between:

J.B. Subramanyam,

S/o. Narsimha Murthy,
R/o. Shop No.4,

K.B. Complex, Ambajipet,

EAST GODAVARI DISTRICT.

..... PETITIONER

AND

1 The Regional Transport Officer,

Rajahmundry,

EAST GODAVARI DISTRICT.
2 The Asst. Motor Vehicle Inspector,

Kothur Check Post,

Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction particularly one in the nature of Writ of Mandamus, declaring the seizure of the petitioner's vehicle bearing No.AP/10V-5999 seized under vehicle check report No.084033, Dt. 6.10.2004 by the 2nd respondent as illegal, arbitrary unjust and consequently direct the respondents to release the vehicle of the petitioner forthwith.

Counsel for the Petitioner: Mr. B.SIVA RAMA KRISHNAIAH

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following ORDER:

The petitioner's vehicle bearing No.AP/10V - 5999 was seized on 6-10-2004 through a cheque report No.084033 on the allegation of the petitioner plying the vehicle as stage-carriage by violating the permit conditions by picking up passengers at different places by collecting individual fares. The matter is pending consideration before the 1st respondent. The petitioner has to submit his explanation for the show cause notice that is likely to be issued by the 1st respondent. After receipt of the explanation, the 1st respondent has to pass appropriate orders regarding the alleged violation of the permit conditions etc., which is likely to take some time. If the vehicle is kept idle, it is likely to be damaged. Therefore, I am inclined to order interim custody of the vehicle to the petitioner.

The Writ Petition is accordingly disposed of directing the 1st respondent to release the vehicle for interim custody of the petitioner on condition of his paying the amount due towards the tax, if any, and on a further condition of depositing Rs.10,000/- (rupees ten thousand only) The petitioner is further directed not to transfer the vehicle in favour of anybody till further orders and he shall produce the vehicle as and when required by the 1st respondent. The respondents are at liberty to take action according to law, if they notice further violation of the permit conditions, by using the vehicle that is given for interim custody to the petitioner. The petitioner shall co-operate with the enquiry that is going to be conducted by the 1st respondent.

The Writ Petition is accordingly disposed of.

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(Dr. G.YETHIRAJULU,J)

7th October, 2004.

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To

1. The Regional Transport Officer,

Rajahmundry,

EAST GODAVARI DISTRICT.

2. The Asst. Motor Vehicle Inspector,

Kothur Check Post,

Krishna District.

3. Two CCs to the GP for Transport, High Court of A.P.,

Hyderabad (O.U.T.).

4. Two CD Copies.